

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BERGER et al.

Serial No.: 10/788,638

Filed: February 27, 2004

Atty. File No.: 4867-5

For: "APPARATUS AND METHOD FOR
SELECTIVELY SECURING A
VALVE IN AN OPEN OR CLOSED
POSITION"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: Not Yet Assigned

Examiner: Not Assigned

**INFORMATION DISCLOSURE
STATEMENT**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O.
BOX 1450, ALEXANDRIA, VA 22313 ON THIS 5 DAY OF
May, 2004.

SHERIDAN ROSS P.C.

BY: Chasity C. Rossum
Chasity C. Rossum

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

- ☒ Copies of the cited foreign patents and/or non-patent references are enclosed herewith.
- ☒ Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed

in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

- ☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☐ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <ul style="list-style-type: none"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).


Respectfully submitted,

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE 	INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4867-5	SERIAL NO. 10/788,638
		APPLICANT BERGER	
	FILING DATE February 27, 2004	GROUP ART Not Yet Assigned	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	US2003/0024284	2/6/2003	Erickson	70	177	7/31/2001
	2	6,453,707	9/24/2002	Nishimura et al.	70	180	
	3	6,354,116	3/12/2002	Drake	70	178	
	4	6,189,350	2/20/2001	Nishimura et al.	70	180	
	5	5,785,074	7/28/1998	Kieper	137	68.11	
	6	5,598,724	2/4/1997	Primeau	70	177	
	7	5,427,135	6/27/1995	Kieper	137	385	
	8	D 358,455	5/16/1995	Kieper	D23	249	
	9	5,360,036	11/1/1994	Kieper	137	625.22	
	10	5,353,833	10/11/1994	Martinez	137	385	
	11	5,165,263	11/24/1992	Perron et al.	70	177	
	12	4,781,044	11/1/1988	Ortega	70	177	
	13	4,513,773	4/30/1985	Hardiman, Jr.	137	382	
	14	4,449,694	5/22/1984	Hobart et al.	251	171	
	15	4,300,373	11/17/1981	Camos et al.	70	232	
	16	725,290	4/14/1903	Speer			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

17	"Secure Backflow Preventers: Sabber-Lock"; <i>dw & bp Technology Update</i> ; April 2003, pp. 10-11
18	"Full Port Locking Handle Ball Valves"; <i>Boshart Industries, Inc.</i> ; see: www.boshart.com/catalogue/plumbing/valves/ballvalves.pdf ; pg. 8; website accessed February 11, 2003.

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	